

REMARKSStatus of the Application

Claims 1-13 are pending. Claims 8-11 have been withdrawn from consideration. Claims 1-7, 12 and 13 are rejected.

Section 102 Rejections

Claims 1, 2 and 4-7 have been rejected under 35 U.S.C. Section 102 as being anticipated by Tarte U.S. Patent No. 3,097,684. In response, applicants have deleted claims 1,2 and 4-7.

Claims 1, 2, 5 and 12 have been rejected under 35 U.S.C. Section 102 as being anticipated by Gottlieb U.S. Patent No. 5,473,995. In response, applicants have deleted claims 1,2, 5 and 12.

Section 103 Rejections

Claim 3 has been rejected under 35 U.S.C. Section 103 as being unpatentable over the Gottlieb '995 patent in view of Propst U.S. Patent No. 4,279,204. In response, applicants have deleted claim 3.

Claims 4, 6 and 7 have been rejected under 35 U.S.C. Section 103 as being unpatentable over the Gottlieb '995 patent in view of the Tarte '684 patent. In response, applicants have deleted claims 4, 6 and 7.

Claim 13 has been rejected under 35 U.S.C. Section 103 as being unpatentable over the Gottlieb '995 patent in view of Morgan U.S. Patent No. 5,440,998. In response, applicants have deleted claim 13.

New Claim 14

New claim 14 has been added. Applicants submit that this claim and its dependent claims are allowable over the prior art of record, including Tarte, Gottlieb and Ashley, for at least

the following reasons.

Tarte 3,097,684

i. Tarte does not teach cut out portions

New claims 14-22 require that “portions of the first vertical section and the top section at either end of each segment adjacent the corners are cut out to define pockets to accommodate vertical support posts.” Support for this limitation is found at paragraph 0020 in the specification as filed. None of the cited references, including Tarte, discloses this limitation. Tarte clearly has no such cut out portions.

Gottlieb 5,473,995

i. Gottlieb does not teach cut out portions

Gottlieb 5,473,995 does not teach the cut out portions required in claims 14-22.

According to the Examiner, Gottlieb teaches L-pockets at the corners, but these “pockets” are not cut out of a vertical section and a top section as required in claim 14.

ii. Gottlieb does not teach a base pad made from a folded linear tube.

New claims 14-22 require that the base pad comprise “a linear, elongated hollow tubular member” that is “folded along the fold lines into a polygonal frame.” Gottlieb ‘995 does not disclose such a base pad. Gottlieb’s base pad is not a linear, elongated hollow tubular member that is folded into a polygonal frame, but rather a substantially rectangular panel having folded edge pieces.

iii. Gottlieb does not teach a hollow tube having the claimed configuration.

Gottlieb does not teach a hollow tube having the claimed number of sections. Whether the top surface of Gottlieb’s tubular edges constitutes a “top section” as asserted by the Examiner

on page 3 of the office action or a "product supporting surface" which seems logical, a comparison of the Gottlieb base pad to claim 14 makes clear that Gottlieb is lacking at least two of the required sections that make up applicant's claimed invention. For instance, assuming that the top surface of Gottlieb's edges forms a product support surface, it is clear that Gottlieb lacks (1) "a first vertical section extending upward from the product supporting surface" (since nothing extends upward from Gottlieb's top surface), and (2) "a top section extending from the first vertical section to the outer vertical section."

Ashley 5,152,594

i. Ashley does not teach cut out portions.

Ashley 5,152,594 teaches spaces 38 located at the corners, but Ashley's spaces are not cut out of a vertical section and a top section as required in applicants' claim 14. Rather, Ashley's spaces 38 are formed from "notches in the opposite or top and bottom sides 20, 22 of the tube 18 on the interior thereof" (col. 2, lines 52-55). The vertical sides of the tube 18 are not cut out.

ii. Ashley does not teach a hollow tube having the claimed configuration.

By the same reasoning as that provided in Gottlieb above, Ashley does not teach a hollow tube having the required number of sections.

New Claim 15

New claim 15 requires holes disposed in the product supporting surface configured for receiving product feet, a limitation that neither Tarte nor Gottlieb nor Ashley teaches. Ashley teaches spaces 38 but they are not configured for receiving product feet.

New Claims 16 and 17

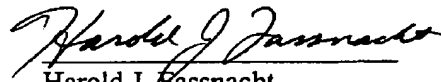
New claim 16 requires a bead integrally formed in the first horizontal (i.e. bottom)

section. Neither Gottlieb nor Ashley teach this limitation. The Examiner asserts that Tarte teaches a bead. However, Tarte's "bead" does not have opposing sides and an apex that abuts a product support surface as required by new claim 17.

Summary

It is believed that this paper constitutes a complete response to the Office Action mailed October 5, 2005, and an early and favorable action allowing claims 14-22 is respectfully requested. The Examiner is invited to telephone Applicant's undersigned attorney if any unresolved matters remain.

Respectfully submitted,



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